UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/25165
26 January 1993
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 26 JANUARY 1993 FROM THE PERMANENT REPRESENTATIVE OF KUWAIT TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

On instructions from my Government, I have the honour to transmit to you the following:

Containing false statements as it does, the letter from the representative of Iraq (S/25137) constitutes a violation not only of the cease-fire resolution but of all Security Council resolutions relating to Iraq's aggression and its occupation of Kuwait.

The repetition in the letter from the Iraqi representative of the phrase "regime imposed on Kuwait" provides official confirmation of the propaganda campaign launched by Iraq some time ago with a view to renewing its spurious claims of so-called "historical rights" to Kuwait. These claims have been rejected by the Security Council on previous occasions, as well as in Presidential statements, and the Council has condemned Iraq for reiterating the claims, which represent a threat to peace and security in the region. Furthermore, such claims are clearly incompatible with Security Council resolution 687 (1991), which is based on respect for Kuwait as an independent sovereign State and guarantees its international frontiers and territorial integrity.

The use of this phrase confirms Iraq's position, reflected by the Iraqi leader's press secretary in the 13 January 1993 edition of that country's Al-Jumhuriyah newspaper, that "Kuwait is a part of Iraq; this is a historical fact; international treaties, international conspiracies and international organizations will never be able to alter the facts of history".

The significance of this phrase in the Iraqi representative's letter may be seen in the fact that it follows the speech given by the leader of the Iraqi regime on 17 January 1993, in which he revived the issue, at the highest official level, of "Iraq's rights to Kuwait" by employing many crucial expressions in the course of his speech.

The incidents mentioned in the Iraqi representative's letter are the latest indication of Iraq's attempt to distract attention from its massive violations of the cease-fire provisions, which include the presence of police posts inside Kuwaiti territory. The following points should be noted with respect to these incidents:

1. The Kuwaiti authorities were not notified of the violation which is alleged by Iraq to have occurred on 31 December 1992. If this incident had in fact taken place, the United Nations Iraq-Kuwait Observation Mission (UNIKOM) would have so informed the Kuwaiti authorities. It should also be recalled that the Iraqi post at Umm Qasr, which is alleged by Iraq to have come under fire, is one of the six posts which were inside Kuwaiti territory.

2. The Talhah and Abu Musa posts are also among the six Iraqi police posts which were inside Kuwaiti territory until they were removed on 18 January 1993. With regard to the incident on 1 January 1993, the firing was initiated by individuals from the Iraqi Talhah post who had penetrated further into Kuwaiti territory, whereupon three of them were arrested by the Kuwaiti patrol.

3. As for the Abu Musa police-post incident, the truth of the matter is that it was the Iraqi side that directed heavy fire at the Kuwaiti Azamiyah post on 5 January 1993, making it necessary to reinforce the Kuwaiti post, and on 6 January 1993 occupants of the Iraqi post committed a new violation, again firing on the Azamiyah post.

4. Concerning the helicopter flight over the Kuwaiti Azamiyah post, I wish to point out our surprise at Iraq's desire to monitor the situation in the demilitarized zone (DMZ) on the Kuwaiti side when it knows full well who the violator in that zone is. When flights take place over the DMZ, the Kuwaiti authorities coordinate with UNIKOM.

5. Also surprising is the Iraqi objection to the presence of Kuwaitis at the UNIKOM observation post, for if their presence constituted a violation, UNIKOM would have informed them to that effect.

It would be more useful if the Iraqi authorities monitored their own activities rather than trying to divert attention from them by provoking incidents. What is ludicrous is that Iraq has been regularly violating the DMZ. Iraq has created one obstacle after the other for UNIKOM, used force against it on repeated occasions and gone against the conditions laid down by the Security Council for the return of property, as shown by the following incidents:

(a) On 2 January 1993, approximately 250 Iraqis, half of whom belonged to the military, crossed the border between the two countries with heavy equipment and proceeded 800 metres to Camp Khor. Yet despite the fact that their alleged objective was to retrieve Iraqi equipment or property, they proceeded to destroy some of the stores and equipment at the said site.

(b) On 3 January 1993, 500 Iraqis crossed the border for the same purpose.

(c) On 10 January 1993, 200 Iraqis with heavy equipment crossed the border and proceeded to the six bunkers containing ammunition and military matériel in the DMZ. The operation was conducted with military precision and discipline, despite the fact that the Iraqis were wearing civilian garb. They seized all the contents of four of the bunkers, most of the contents of the fifth, including four HY-2G anti-ship missiles, known as "Silkworm" missiles, and some of the contents of the sixth. Despite the demand by the Security Council that the said missiles and other matériel should be returned immediately to the custody of UNIKOM, Iraq has not yet complied with that demand, a failure which constitutes a further violation of the relevant Security Council resolutions.

(d) On the same day, 10 January 1993, another group, made up of more than 500 Iraqis, dismantled buildings and removed them, along with other equipment, from Camp Khor.

(e) On 11 January 1993, approximately 120 Iraqis crossed the border, proceeded to Camp Khor and dismantled buildings, carrying them away.

(f) On 12 January 1993, approximately 290 Iraqis with tractor trailers crossed the border and seized barrels and industrial equipment from the same site.

(g) On 13 January 1993, approximately 80 Iraqis crossed the border, proceeded to the same site and seized other equipment and property.

(h) Also on 13 January 1993, another group, consisting of 21 Iraqis, crossed the border, proceeded to the Kuwaiti Ratqah oil field and took switches, valves and pipes from the area.

(i) On 17 January 1993, an Iraqi patrol penetrated approximately two kilometres within Kuwaiti territory and was intercepted by a patrol from the Kuwaiti Umm Niqqa post which warned them that they must leave Kuwaiti territory; the Iraqi patrol, however, began firing, and the Kuwaiti patrol returned their fire. UNIKOM was notified of the incident at the time.

The Iraqi allegations and violations mentioned above show how Iraq treats the obligations laid down in the Security Council resolutions. In short, Iraq is bent on following an approach characterized by selectivity and game-playing with respect to the resolutions, in both their interpretation and their implementation of them, despite the recent attempt on the part of the Iraqi authorities to give a positive impression of its practices.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Mohammad A. ABULHASAN
Permanent Representative